

## **II. RESPONSE TO OFFICE ACTION**

Claims 27-32 have been cancelled, and new claim 36 has been added. With the amendments, claims 1-26 and 33-36 are pending in the present application.

### **A. The Information Disclosure Statement**

References B9-B10 and B12-B13 are not initialed on the copy of the 1449 that accompanied the Office Action. With the next communication from the Office, Applicant respectfully requests that a copy of this 1449 be provided with these references initialed.

With regard to reference B11, filed herewith is a machine translation of 1 443 272. Applicant requests that the Examiner consider reference B11 and provide a copy of the 1449 with this reference initialed.

### **B. The Objection to the Drawings**

The Applicant does not agree that the originally-filed drawings do not show a spacer that includes "at least one axially stiff elongate member and is provided with a pair of jaws at each end." This is shown, in whole or in part, in original Figures 1-3, 5-6, 8, 12, 16-20.

However, to expedite prosecution before the U.S. Patent Office, new drawing Figures 22 and 23 are herewith submitted. These Figures correspond, respectively, to Figures 2 and 8 and differ only in illustrating a spacer with a single axially stiff elongate member 32. The mode of operation is identical to the embodiments described with reference to Figures 2 and 8 and as mentioned in the statement of invention on page 5 lines 7-12.

Corresponding amendments to pages 16 and 24 of the Specification have also been made. In this regard, a brief description of the new drawings has been added to page 16 of the Brief

Description of the Drawings, and a new paragraph has been added to page 24 of the Detailed Description describing these Figures. Support for the amendments to the drawings and description may be found, for example, in the Figures and at page 5, lines 7-9 of the Specification.

Thus, the drawings have been amended to show a single axially stiff elongate member, and the objection to the drawings is overcome. Favorable reconsideration is requested.

**C. The 35 USC § 112 Rejection**

The Office Action rejects claims 1-32 and 34 under 35 USC Section 112, first paragraph as failing to comply with the written description requirement. Applicants traverse this rejection for the following reasons.

As stated previously, the Applicant does not agree that the originally-filed drawings do not show a spacer that includes "at least one axially stiff elongate member and is provided with a pair of jaws at each end". In addition, the specification describes this feature at page 5, lines 7-9.

The standard for determining compliance with the written description requirement of § 112 is whether the description "clearly allows persons of ordinary skill in the art to recognize that he or she invented what is claimed" (see MPEP 2163.02). In this regard, "[t]he examiner has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims" (see MPEP 2163.04). Applicant submits that this burden has not been satisfied in the present case as no such evidence or reasons has been provided in the Office Action.

To the contrary, the specification of the present case *clearly describes* “a first spacer [that] comprises at least one axially stiff elongate member and is provided with a pair of jaws at each end” (*see* the Specification at page 5, lines 7-9). This description alone is sufficient to clearly allow persons of ordinary skill in the art to recognize that the Applicant invented what is claimed, and is even *more clear* when considered in view of the Figures as filed. In this regard, the Figures as filed clearly illustrate components of a spacer, including an *axially stiff elongate member* component (32) and a *pair of jaws* component (7, 9). Given the description and the Figures as filed, it would be abundantly clear to one of skill in the art that a spacer may include at least one of such axially stiff elongate components (32) and be provided with a pair of jaws (7, 9) at each end.

In view of the above arguments, Applicant respectfully submits that the § 112 rejection should be withdrawn. Favorable reconsideration is requested.

**D. The 35 USC § 102 and 103 Rejections**

Claims 27-32 have been cancelled without prejudice and to expedite the issuance of a patent. Applicant reserves the right to pursue the subject matter of the cancelled claims in one or more other applications.

In view of the above, the 35 USC § 102 and 103 Rejections are moot. Favorable reconsideration is requested.

**E.    New Claim 36**

New claim 36 is both novel and non-obvious over the cited references and is therefore allowable.


**F. Conclusion**

In view of the above, Applicant believes that claims 1-26 and 33-36 are in condition for allowance. Accordingly, favorable reconsideration and Notice of Allowance are courteously solicited.

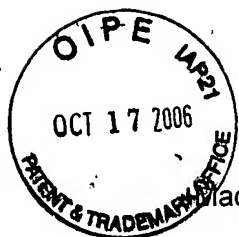
Should any additional fees under 37 CFR 1.16-1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from Deposit Account No. 10-1205/DUMM:017.

The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,

  
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Machine Translation – FR 1 443 272

Flexible description off

FR1443272 parallelepipedic Container.

The rigid containers usually used as permanent and resistant packing have the serious disadvantage to occupy of the important surfaces so that their tare is consequent and, being volumetric, their trip empty is expensive.

The present invention has as an aim a container which, while keeping its excellent basic properties, when it is charged, loses its weight and its obstruction when it is emptied of its contents.

The container following the invention is a flexible container in fabric normal or waterproofed of a capacity for example from 1 to 4 m<sup>3</sup>, who once folded is of a volume of the tenth of its full volume and of which the weight, for a capacity of 3 m<sup>3</sup>, for example, is lower than 20 kg.

These stacked containers can tre, full or empty.

This flexible container has a form of parallelepiped made up, in a known way, bolts of canvas bent or fixed the ones at the others and can tre reinforced by the longitudinal and transverse straps; both artes higher parallels on the long sides of the container are in the flexible shape of sleeve in which are engaged of the metal tubes whose section is calculated according to the load: these tubes ensure the rigidity of the idiot tainer during the handling operations and allow the adaptation of special fittings for these handling operations.

A strong leather cover is bent with horse at each end of the two sleeves to maintain in place the tubes and a ring is threaded before seam in each one of these covers to support in form the container during its filling.

The filling and draining are carried out by two sleeves trimmed with metal circles engainés at their ends to ensure rigidity of it.

The sleeve for the filling is located at the center of the higher part and that for draining in opposition on the center of the bottom.

The closing of these handles is carried out while making swivel the mouth of the metal circle in order to ensure the torsion of the sleeve until the mouth comes in contact from the wall from the container.

The sleeve is then maintained in this position, for example, using leather thin straps interdependent of the bottom of the container which one threads in the lights envisaged under the metal circle for tre then passed by again in leather passers by.

During the loading of the empty containers in the trucks, coaches or barges, the length of the container is leaned with the longitudinal panels of the conveying machine and the rings threaded in the covers of the sleeves are fixed on snap hooks envisaged on the walls of the machines conveying and fixed by thin straps.

On the central part, two other snap hooks are maintained by thin strap on the high part of the machines conveying and hung to the two other free rings of the container which takes a rigid form finds prt with the filling by the sleeve top.

For unloading and the filling one can use a hoisting and handling equipment adapted to this container.

The hoisting and handling equipment of each container is composed of two tubes out of U of Mrs. section that those of the container and finished by two steel ends stretched of a reduced section which can fix in the ends of the two tubes placed in the sleeves of the container.

When these tubes are fixed in the tubes of the container, one produces a rigid framework to which tre hung cables or chains can connected by a ring of alliance allowing the fixing of the hook of the elevating lifting device.

The additional drawing shows, as indicative example, a mode of realization of this invention.

Figure 1 is a sight of rise in the container with its sleeves higher and lower drawn up respectively towards outside.

Figure 2 is a similar sight of the higher part of the container only, the higher sleeve being fixed in closed position.

Figure 3 is a sight in prospect for the hoisting and handling equipment.

The parallelepipedic container represented is consisted a bolt of canvas whose ends are bent together and who forms his top 1, its two large opposite sides 2 and 3, its bottom 4, and of the higher sleeves 5et 6 along both artes on its large longitudinal sides 2 and 3; at this first part two other parts 7 and 8 are fixed which form its small sides.fl is reinforced by longitudinal straps 9 and 10, and transversals 11 and 12. Around the ends of sleeves 5 and 6 are bent strong covers out of leather 13, in which were engaged beforehand of the rings 14.

Metal tubes 15 and 16 intended for handling are engaged in these sleeves and ensure the rigidity of the container during the handling operations.

On the top of the container and its lower part, around corresponding openings, handles 25 and 26 are bent, directed both towards outside, whose ends are reinforced by circles 17 in engainé metal wire; lights diametrically opposite 18 and 19 are envisaged at the end of each one of these handles, just audessous of their circle of reinforcement.

The closing of these handles is obtained easily while making swivel these iron circles until them mouth comes in contact with top I from the container, where it is maintained by engagement, through lights 18 and 19, leather thin straps 20 and 21, which one then makes pass by again ends under the passers by 23 and 24 which straps 9 and 10 form to this end.

The rings 14 make it possible to maintain the container drawn up during their loading and del' accro- expensive with snap hooks of the conveying machines.

For handling, it is enough to engage ends 26 of two tubes 27 out of U in the ends of tubes 15 and 16 to form a rigid framework which one can operate while hanging to rings 28, cables 29 connected to the hook of alliance 30.

It owes to be heard that the shape and the constitution of the container, can vary according to their destination, of Mrs. that the material used for its manufacture and that of the stiffeners, covers and thin straps of rigidification, without deviating from the field of the invention.

Claims off FR1443272  
SUMMARIZED

1 This flexible container has a form of parallelepiped made up, in a known way, bolts of canvas bent or fixed the ones at the others and can be reinforced by longitudinal straps and transversales; both at higher parallels on the long sides of the container are in the flexible shape of sleeve in which are engaged of the metal tubes whose section is calculated according to the load.

2 a strong leather cover is bent with horse at each end of the two sleeves to maintain in place the tubes and a ring is threaded before seam in each one of these covers to support in form the container during its filling.

3 Two handles of filling and draining are bent around openings of diameter corresponding envisaged to the center of the top and the lower part of the container

4 Each handle comprises at its end external a circle in metal wire ensuring its rigidity, and its closing is carried out while making swivel this circle by twisting the handle until the mouth comes in contact with the wall from the container.

5 Of the thin straps interdependent of the corresponding faces of the container can be committed in lights envisaged in the handle under the metal circle when the sleeve is folded up again and these thin straps passed by again in leather passers by.

6 the hoisting and handling equipment of each container is composed of two tubes out of U of Mrs. section that those of the container and finished by two steel ends stretched of a reduced section which can fix in the ends of the two tubes placed in the sleeves of the container.

7 When these tubes are fixed in the tubes of the container, one produces a rigid framework to which be hung cables or chains can be connected by a ring of alliance permettant l'accrochage of the hook of the elevating lifting device.